

nated as "Section 9-a. Flares." of Section 1 of the original bill, and substitute in lieu thereof the following:

"Sec. 9-a. Flares. Whenever any commercial motor vehicle, truck-tractor, trailer or semi-trailer, or motor bus, or any vehicle equipped with a crane or lifting device ordinarily referred to as a 'wrecker,' shall, during the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet, be stopped upon the main traveled portion of any highway in this State for as long as fifteen (15) minutes, the driver or operator thereof shall place a lighted flare upon the highway on the roadway side of such vehicle and one such flare shall be placed at a distance of not less than one hundred fifty (150) feet nor more than two hundred (200) feet from such parked vehicle, near the edge of the roadway in every direction from which a vehicle may approach, such lighted flare to admit light of sufficient intensity to be plainly observed as a signal to the driver of any approaching vehicle for a distance of five hundred (500) feet."

Committee Amendment No. 2.

Amend House Bill No. 796 by making the caption conform to the body of the bill.

Committee Room,

Austin, Texas, May 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 591, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Game, Fish and Oyster Commission; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 853, A bill to be entitled "An Act repealing Section 11 of Article 7152, Title 122, of the Revised Civil Statutes of Texas, of 1925, adopted at the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

FIFTY-SEVENTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

May 6, 1935.

The Senate met at 10 a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 65.

Pending business was H. B. No. 65, with pending substitute by Senator Hopkins, for Committee Amendment No. 2.

Senator Westerfeld sent up the following amendment:

Amend H. B. No. 65, Hopkins substitute amendment, by adding the following:

"Provided, where a gas or electric company sells gas or electricity to a distributing company in any city or town, the distributing company shall not sell said gas or electricity below the price paid by said distributing company for said products."

WESTERFELD.

Read.

Motion to Table.

Senator Hopkins moved to table the amendment by Senator Westerfeld.

The motion to table lost by the following vote:

## Yeas—13.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Sanderford.
Duggan.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Martin.	

## Nays—13.

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Redditt.
Hill.	Sulak.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Oneal.	

## Absent.

Moore.	Shivers.
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## Absent—Excused.

Davis.	Regan.
Fellbaum.	

The amendment to the Hopkins substitute was adopted by the following vote:

## Yeas—13.

Blackert.	Poage.
Burns.	Redditt.
DeBerry.	Shivers.
Hill.	Sulak.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Oneal.	

## Nays—12.

Beck.	Moore.
Cotten.	Rawlings.
Duggan.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Martin.	Van Zandt.

## Absent.

Collie.	Pace.
Neal.	

## Absent—Excused.

Davis.	Regan.
Fellbaum.	

Senator Hill sent up the following amendment:

Amend the Hopkins substitute for Committee Amendment No. 2, H. B. No. 65 by adding at the end of said amendment and before the Westerfeld amendment the following:

"Provided further, however, the governing bodies shall have the right to deny to such utilities and industries the right to enter into said contracts when by the effect of such contracts a lowering of the rate to domestic and commercial users would be prevented."

HILL.

Read and pending.

## H. C. R. No. 116.

Senator Rawlings received unanimous consent to suspend the regular order and take up H. C. R. No. 116.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 116, Suspending the Joint Rule of the House and Senate, Nos. 23, 24 and 32 for the purpose of consideration until final disposition thereof of H. B. No. 187.

Senator Rawlings moved that the Senate rule requiring resolutions to be referred to a committee be suspended and that H. C. R. No. 116 be taken up and considered at this time.

The motion prevailed by viva voce vote.

H. C. R. No. 116 was adopted by viva voce vote.

## House Bill No. 65.

The question recurred on the amendment by Senator Hill to the substitute by Senator Hopkins.

The amendment by Senator Hill was adopted by the following vote:

## Yeas—19.

Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

## Nays—7.

Cotten.	Rawlings.
Hopkins.	Small.
Martin.	Stone.
Moore.	

## Absent.

Beck.	Holbrook.
Davis.	

**Absent—Excused.**

Fellbaum.

Regan.

**Motion to Table.**

Senator Woodruff moved to table the substitute by Senator Hopkins as amended.

Motion pending.

**Motion to Recess.**

Senator Small, at 12:01 o'clock, moved that the Senate recess until 2 o'clock p. m.

Motion to recess pending.

**Senate Bill No. 529.**

Senator Hornsby received unanimous consent to suspend the regular order and take up S. B. No. 529.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby, by request:  
S. B. No. 529, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court, limiting the jurisdiction of the county court of Travis County, and providing for the transfer of cases pending in the county court of Travis County to the said court hereby created, and for appeals from inferior courts to the court hereby created, and for appeals from said court; creating the office of judge of the County Court at Law of Travis County; providing for the appointment, election, bond and salary of the judge of said court and prescribing his qualifications; providing for a special judge; providing for the disposition of fees; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 529 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Davis.  
Fellbaum.

Regan.

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Davis.  
Fellbaum.

Regan.

**Senate Bill No. 531.**

Senator Neal received unanimous consent to suspend the regular order and sent up the following local bill:

By Senator Neal:

S. B. No. 531, A bill to be entitled "An Act validating \$450,000 improvement bonds and \$794,500 refunding bonds of Hidalgo County Water Control and Improvement District Number 7, Hidalgo County,

Texas, and proceedings had in connection therewith; validating proceedings authorizing the cancellation of \$1,600,000 bonds of said district; providing for the payment of said bonds; providing for the delivery and issuance of said bonds without the necessity of court validation; validating all outstanding indebtedness and obligations of said district; repealing all conflicting laws; and declaring an emergency."

Read and referred to the Committee on Stock and Stockraising.

#### House Bill No. 784.

#### Motion to Re-refer.

Senator Moore moved to re-refer H. B. No. 784 to the Committee on Civil Jurisprudence.

The motion prevailed by viva voce vote.

#### Recess.

The motion to recess prevailed by viva voce vote at 12:15 p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodruff.

#### Point of "No Quorum."

Senator Stone raised the Point of no Quorum.

The roll call was ordered.

The roll call disclosed a quorum present.

#### House Bill No. 65.

Pending business was H. B. No. 65, and the pending motion to table the substitute amendment as amended.

Senator Woodruff withdrew his motion to table the pending substitute as amended.

The substitute for Committee Amendment No. 2 as amended was adopted by the following vote:

#### Yeas—28.

Beck.	Hopkins.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotton.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.
Hill.	Pace.
Holbrook.	Page.

Rawlings.	Stone.
Redditt.	Sulak.
Sanderford.	Van Zandt.
Shivers.	Westerfeld.
Small.	Woodruff.

Absent.

Davis.

Absent—Excused.

Fellbaum.

Regan.

The question recurred on the adoption of Committee Amendment No. 2 as substituted.

#### Privileged Motions.

#### House Bill No. 674.

On motion of Senator Van Zandt the Senate granted the request of the House for the appointment of a Conference Committee on H. B. No. 674.

#### Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 674:

Senators Van Zandt, Beck, Hopkins, Pace and Poage.

#### House Bill No. 85.

On motion of Senator Rawlings the Senate granted the request of the House for the appointment of a Conference Committee on H. B. No. 85.

#### Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 85:

Senators Rawlings, Moore, Collie, Redditt and Pace.

#### S. C. R. No. 52.

Senator Collie received unanimous consent to suspend the regular order of business and sent up the following resolution:

Be It Resolved by the Senate, the House of Representatives concurring, That the Governor be and is hereby requested to return to the Senate, Senate Bill No. 52, for correction and further consideration and that the signatures of the presiding officers of the House and Senate be erased from the bill.

COLLIE.

Senator Collie asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 52 be taken up and considered at this time.

Unanimous consent was granted. S. C. R. No. 52 was adopted by viva voce vote.

#### Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
Austin, Texas, May 6, 1935.  
To the Senate of the Forty-fourth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the Board of Nurse Examiners, for terms of six years:

Sister Mary Charles Wolfe, of Potter County, for reappointment.

Mrs. Calvin Hanna, of Dallas County.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 105, Authorizing the Speaker of the House of Representatives to appoint a committee of five members and the Lieutenant Governor to appoint a committee of five Senators to act as a Steering Committee and in joint session hear evidence to be presented by the Commissioner of Agriculture and such other evidence as is necessary to determine the guilt or innocence of the Commission of Agriculture with reference to a report submitted by the

State Auditor under date of April 29, 1935.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Bill No. 558 by a viva voce vote.

The House has adopted the following resolutions:

H. C. R. No. 115, Suspending Joint Rules Nos. 22, 23, and 24 for the purpose of taking up until the final disposition thereof H. B. No. 396.

H. C. R. No. 117, Suspending Joint Rule No. 23 for the purpose of taking up until the final disposition thereof H. B. No. 454.

H. C. R. No. 114, Suspending Joint Rules Nos. 23, 24 and 32 for the purpose of considering in the House the following Labor bills: H. B. No. 877, H. B. No. 268, H. B. No. 430, H. B. No. 764, H. B. No. 468, H. B. No. 174, H. B. No. 283, H. B. No. 32, H. B. No. 391, H. B. No. 409, H. B. No. 434, H. B. No. 10, H. B. No. 30, H. B. No. 479, H. B. No. 597, and 20 others.

H. C. R. No. 116, Suspending Joint Rules Nos. 23, 24 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 187.

The House has refused to concur in Senate Amendments to H. B. No. 85 and requests the Senate for the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Duvall, McCalla, Alexander, Gibson and Celaya.

The House has passed the following resolutions:

H. C. R. No. 112, Suspending Joint Rule No. 23 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 345.

H. C. R. No. 118, Suspending Joint Rule No. 23 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 559.

H. C. R. No. 119, Suspending Joint Rules Nos. 22, 23 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 601.

H. C. R. No. 121, Suspending Joint Rules Nos. 23, 24 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. Nos. 929 and 930.

H. C. R. No. 122, Instructing the Enrolling Clerk of the House to make certain corrections in the caption of H. B. No. 730.

H. C. R. No. 123, Suspending Joint Rules Nos. 22, 23 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 837.

H. C. R. No. 124, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 902.

H. C. R. No. 125, Suspending Joint Rules Nos. 23, 24 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 996.

H. C. R. No. 126, Suspending Joint Rules Nos. 22, 23, and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 777.

The House has refused to concur in Senate amendments to House Bill No. 755 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Luker, Wells, Knetsch, Hankamer, and James.

The House has concurred in Senate Amendments to H. J. R. No. 19 by a vote of 120 yeas and 5 nays.

The House has concurred in Senate amendments to House Bill No. 749 by a vote of 111 yeas, and 5 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 680 and requests the appointment of a

Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Hardin, McFarland, Huddleston, Hunt, and Davisson of Eastland.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives,  
Hall of the House of Representatives,  
Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 52, Requesting the return of S. B. No. 52 from the Governor's Office for correction and further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 178.	S. B. No. 369.
H. B. No. 838.	H. B. No. 420.
H. B. No. 349.	H. B. No. 381.
H. B. No. 946.	H. B. No. 380.
H. B. No. 832.	H. B. No. 377.
H. B. No. 828.	H. B. No. 363.
H. B. No. 101.	H. B. No. 328.
H. B. No. 732.	H. B. No. 344.
H. B. No. 867.	H. B. No. 306.
H. B. No. 907.	H. B. No. 228.
H. B. No. 928.	H. B. No. 203.
H. B. No. 753.	H. B. No. 13.
H. B. No. 791.	H. B. No. 14.
H. B. No. 820.	H. B. No. 87.
H. B. No. 829.	H. B. No. 439.
H. B. No. 835.	H. B. No. 492.
H. B. No. 846.	H. B. No. 558.
H. B. No. 861.	H. B. No. 642.
H. B. No. 863.	H. B. No. 873.
H. B. No. 471.	H. B. No. 897.
H. B. No. 201.	H. B. No. 902.
H. B. No. 115.	H. C. R. No. 98.
H. B. No. 312.	H. C. R. No. 94.
H. B. No. 200.	H. C. R. No. 124.
H. B. No. 976.	H. C. R. No. 116.
H. B. No. 472.	H. C. R. No. 111.

#### Senator Excused.

Senator Regan was excused on account of important business on motion of Senator Rawlings.

**House Bill No. 680.**

Senator Poage moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 680.

The motion prevailed by viva voce vote.

**H. C. R. No. 124.**

Senator Moore received unanimous consent to suspend the regular order and take up H. C. R. No. 124.

The Chair laid before the Senate on its second reading the following resolution:

Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 902.

Senator Moore asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 124 be taken up and considered at this time.

Consent was granted.

H. C. R. No. 124 was adopted by viva voce vote.

**House Bill No. 755.**

On motion of Senator Duggan the Senate granted the request of the House for the appointment of a Conference Committee on H. B. No. 755.

**Conference Committee Appointed.**

The Chair appointed the following conferees on the part of the Senate on H. B. No. 755:

Senators Beck, Redditt, Woodruff, Duggan and Poage.

**House Bill No. 65.**

The question recurred on the adoption of Committee Amendment No. 2 as substituted.

**Motion to Table.**

Senator Poage moved to table Committee Amendment No. 2 as substituted.

The motion to table prevailed by the following vote:

**Yeas—14.**

Blackert.	Oneal.
Burns.	Poage.
DeBerry.	Redditt.
Hill.	Shivers.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Neal.	Woodruff.

**Nays—11.**

Beck.	Hopkins.
Cotten.	Martin.
Duggan.	Moore.
Holbrook.	Pace.

Rawlings.	Stone.
Sanderford.	

**Absent.**

Collie.	Small.
Davis.	Van Zandt.

**Absent—Excused.**

Fellbaum.	Regan.
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Senator Martin sent up the following amendment:

Amend H. B. No. 65 by striking out all of Article 1121 in Section 2 and insert in lieu thereof the following to be known as Article 1121:

"Article 1121. Any such person, company or corporation mentioned in Article 1119 shall, when requested to do so by the governing body of any city or town, furnish to the city or town in connection with any rate investigation or controversy therein by said city or town, a sworn report any time within 90 days as to its revenues and expenses and the value of its property, or such other sworn report as the governing body may request in connection with any proposed regulation by the city or town under its regulatory powers."

MARTIN.

Read.

**Motion to Table.**

Senator Oneal moved to table the amendment.

The motion to table lost by the following vote:

**Yeas—12.**

Blackert.	Oneal.
DeBerry.	Poage.
Hill.	Redditt.
Hornsby.	Shivers.
Isbell.	Van Zandt.
Neal.	Westerfeld.

**Nays—14.**

Beck.	Martin.
Burns.	Moore.
Collie.	Pace.
Cotten.	Rawlings.
Duggan.	Sanderford.
Holbrook.	Stone.
Hopkins.	Woodruff.

**Absent.**

Sulak.	
	Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

The amendment was lost by the following vote:

**Yeas—12.**

Beck.	Davis.
Burns.	Duggan.
Cotten.	Holbrook.

Hopkins. Pace.  
Martin. Stone.  
Moore. Van Zandt.

Nays—16.

Blackert. Poage.  
Collie. Rawlings.  
DeBerry. Redditt.  
Hill. Sanderford.  
Hornsby. Shivers.  
Isbell. Sulak.  
Neal. Westerfeld.  
Oneal. Woodruff.

Absent.

Small.

Absent—Excused.

Fellbaum. Regan.

H. C. R. No. 114.

Senator Woodruff asked unanimous consent to suspend the regular order and take up H. C. R. No. 114. Objection was heard.

Senator Woodruff moved to suspend the regular order of business and take up H. C. R. No. 114.

Motion pending.

Point of Order.

Senator DeBerry raised the point of order that the resolution was out of order because the Senate was not required to give the House permission to consider anything except on Senate bill days in the House.

The Chair overruled the Point of Order, stating that the House was still considering S. B. No. 84 pending over from the last Senate bill day.

Motion to Order Previous Question.

Senator Woodruff moved that the Senate order the previous question on discussion of the motion.

The motion was not seconded.

Point of Order.

Senator Hopkins raised the point of order that the motion was moot, as the House had adjourned until 9:30 a. m. Tuesday.

Senator Woodruff withdrew the motion on the ground that it was moot.

House Bill No. 65.

Pending business was H. B. No. 65.

Senator Martin sent up the following:

Amend H. B. No. 65, page 2, Sec. 2, by adding after sub-section 5 the following:

"Provided however, should the mayor or the city counsel of any city or town on or prior to March 1st, of any year, notify any privately owned utility that said property is not desired and that said utility is requested to not incur the expense necessary to making such report, then and in that event said utility shall be excused from making such report as is required herein.

MARTIN.

Read and pending.

H. C. R. No. 122.

Senator Burns received unanimous consent to suspend the regular order and take up H. C. R. No. 122.

The Chair laid before the Senate: By Mr. Bergman.

H. C. R. No. 122, Instructing the Enrolling Clerk of the House to make certain corrections in the caption to H. B. No. 730.

Read.

Senator Burns asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended and that H. C. R. No. 122 be taken up and considered at this time.

Consent was granted.

H. C. R. No. 122 was adopted by viva voce vote.

S. C. R. No. 53.

Senator Davis received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, S. B. No. 227 was recently passed by both the Senate and the House and is now on the desk of the Governor; and,

Whereas, Certain defects have shown up in the enrollment of said bill, the correction of which are necessary before the Governor is justified in signing the same; and,

Whereas, The Governor of Texas has requested that certain changes be made in said bill and further considered by the Senate and House of Representatives and sent back to him for his approval; now, therefore, be it

Resolved by the Senate of Texas,



the House of Representatives concurring. That the Hon. James V. Allred, Governor as aforesaid, be, and he is hereby requested to return said S. B. No. 227 back to the Senate for correction and further consideration, and that the President of the Senate and the Speaker of the House be authorized to withdraw their signatures therefrom.

DAVIS.

Senator Davis asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended and that S. C. R. No. 53 be taken up and considered at this time.

Consent was granted.

S. C. R. No. 53 was adopted by viva voce vote.

#### H. C. R. No. 119.

Senator Rawlings received unanimous consent to suspend the regular order and take up H. C. R. No. 119.

The Chair laid before the Senate the following resolution:

By Mr. Greathouse:

H. C. R. No. 119, Suspending Joint Rules Nos. 22, 23 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 601.

H. B. No. 996 was added by unanimous consent.

Read.

Senator Rawlings asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 119 be taken up and considered at this time.

H. C. R. No. 119 was adopted by viva voce vote.

#### Motion to Recess.

Senator Sanderford, at 5:45 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Tuesday.

#### Recess.

The motion prevailed by the following vote:

Yeas—19.

Beck.

Blackert.

Burns.  
Cotten.  
Duggan.  
Holbrook.  
Hopkins.  
Isbell.  
Martin.  
Moore.  
Neal.

Pace.  
Rawlings.  
Redditt.  
Sanderford.  
Small.  
Stone.  
Sulak.  
Van Zandt.

#### Nays—7.

Collie.  
DeBerry.  
Hill.  
Hornsby.

Oneal.  
Poage.  
Woodruff.

#### Absent.

Davis.  
Shivers.

Westerfield.

#### Absent—Excused.

Fellbaum.

Regan.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 52 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 529 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 369 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, May 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 479, A bill to be entitled "An Act to create a conservation and reclamation district to be known as New Braunfels-Gulf Water Supply District, consisting of that part of the State included within the Counties of Comal, Guadalupe, Wilson, Karnes, Bee, San Patricio and Nueces, for fresh water supply, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments.

REGAN, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 479 by adding at the end of Section 21 the following: "It is provided, however, that nothing in this Act shall authorize the condemnation of any property of a municipal corporation or any property used by a public service corporation in its service to the public; nor shall any provision of this section of this bill authorize the diversion of water or depletion of water supply from any river or stream from which any city or town is now securing its water supply, or which is being used by any city or town for the generation and distribution of water power or electric energy."

#### Committee Amendment No. 2.

Amend S. B. No. 479 by striking out of the name of the district wherever it appears in the bill the words "New Braunfels."

#### Committee Amendment No. 3.

Amend S. B. No. 479 by striking out of the bill, wherever they may appear, the words "Comal County."

#### Committee Amendment No. 4.

Amend S. B. No. 479 by striking out of Section 2, line 3, the word "seven" and inserting in lieu thereof the word "six"

#### Committee Amendment No. 5.

Amend the caption of S. B. No. 479 to conform to the bill.

#### Committee Amendment No. 6.

Amend S. B. No. 479, Section 1, line 11, by inserting after the word "reservoirs" the words "within said district."

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 529,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 682, A bill to be entitled "An Act amending Article 7118, of the 1925 Revised Civil Statutes of the State of Texas, being Section 3, of Chapter 29, page 64, Acts of the Second Called Session of the Thirty-eighth Legislature of the State of Texas, by adding to the class exempted and taxed under Class "A" therein, stepchildren of the decedent, and their direct descendants and the direct descendants of adopted children, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stockraising, to whom was referred

S. B. No. 531, A bill to be entitled "An Act validating \$450,000 Improvement bonds and \$794,500 refunding bonds of Hidalgo County Water Control and Improvement District Number 7, Hidalgo County, Texas, and proceedings had in connection therewith; validating proceedings authorizing the cancellation of \$1,600,000 bonds of said district; providing for the payment of said bonds; providing for the delivery and issuance of said bonds without the necessity of court validation; validating all outstanding indebtedness and obligations of said district; repealing all conflicting

laws; and declaring an emergency." Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 46, Proposing an amendment to Article IV of the Constitution of the State of Texas so as to authorize Courts having original criminal jurisdiction to suspend the imposition or execution of sentence and to place the defendant on probation and to reimpose such sentence, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

BLACKERT, Chairman.

Committee Amendment No. 1.

Amend H. J. R. No. 46 by adding at the beginning of Section 11-A, the following:

"The Legislature may authorize"

Committee Amendment No. 2.

Amend H. J. R. No. 46, Section 2, by striking out the words "Fourth Saturday in August, 1935" and inserting in lieu thereof "November Third, 1936."

Committee Amendment No. 3.

Amend the caption by inserting between the words "so as to" and the word "authorize" the words "permit the Legislature to."

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 705, A bill to be entitled "An Act amending Article 3886 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, of the General Laws of the Regular

Session of the Forty-third Legislature by adding thereto a separate article to be known as Article 3886-e, making adequate provision for compensation of a court reporter to be appointed by the criminal district attorney in any county having a population in excess of one hundred and fifty thousand (150,000) and less than three hundred and fifty-five thousand (355,000) inhabitants according to the last preceding Federal Census, and which alone constitutes two or more judicial districts, providing that in each of such counties the salary of the court reporter appointed by the criminal district attorney shall not exceed Three Thousand Dollars (\$3,000) per annum, to be paid monthly by such county by warrant drawn upon the general funds thereof, which compensation is less than that now provided by Chapter 195, General Laws of the Regular Session, Forty-third Legislature, for the official shorthand reporter in each judicial district in any such county; repealing that portion of said Article 3886 as amended by Section 5 of said Chapter 220, having reference to the appointment of a court reporter by the district attorney or criminal district attorney, and repealing all laws or parts of laws, general and special, in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MARTIN, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 670, A bill to be entitled "An Act amending Article 3902, of the Revised Civil Statutes of Texas, of 1925, as amended by Chapter 214, Acts of the Regular Session of the Forty-second Legislature, etc., by adding a new section providing that in all counties having a population of less than twenty-five thousand (25,000) inhabitants according to the last preceding Federal Census, and having an assessed valuation of taxable property in excess of Seventy-five Million Dollars (\$75,000,000)

according to the last preceding tax roll approved as provided by law, and having two (2) or more judicial district courts, the county commissioners court may allow the district clerk at least two (2) deputies to wait on said courts; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 887, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal Census, and a property valuation in excess of Fifty Million Dollars (\$50,000,000) according to the approved tax rolls for the preceding calendar year; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 376, A bill to be entitled "An Act amending Article 1058 Code of Criminal Procedure, 1925, as amended by Acts of the Forty-second Legislature, Regular Session, Page 222, Chapter 130, Section 1; providing for the compensation of grand jury bailiffs, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 691, A bill to be entitled "An Act amending Section 2, of Chapter 56, of the Acts of the First Called Session of the Forty-third Legislature which provides for the registration and operation in this State of motor vehicles owned by non-residents, and registered under the laws of another State or county by reenacting same and providing that the provisions of said Section shall not apply to the motor vehicles being driven under its own power, towed or otherwise transported by being attached or coupled to some other vehicle from or through this State, for the purpose of sale, resale or trade in another State or after having been sold, resold or traded to some person, company or corporation or association in another State, but requiring the registration of each such motor vehicle and the payment of a registration fee thereon, fixing such registration fee and providing for the plan and manner of payment thereof; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No 29, A joint resolution "Proposing an amendment to Section 1, Article VIII of the Constitution of Texas, and providing that the State may never impose an ad valorem tax on any property within this State or a sales tax on necessary articles of human food, excluding liquor, beverages, tobacco and tobacco products; providing that such amendment shall become effective October 1, 1936; providing the form and date of its submission, and making an appropriation of \$5,000.00, or so

much thereof as may be necessary to pay the expenses of submitting such amendment to the people."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it be not passed and be not printed, but that the attached Committee Substitute do pass and be printed in bill form.

BLACKERT, Chairman.

## FIFTY-SEVENTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 7, 1935.

Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

### House Bill No. 65.

Pending business was H. B. No. 65 with pending amendment by Senator Martin.

### H. C. R. No. 121.

The Chair laid before the Senate:  
By Mr. Calvert:

H. C. R. No. 121, Suspending Joint Rules Nos. 23, 24 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. Nos. 929 and 930.

The Senate rule requiring resolutions to be referred to a committee was suspended, and H. C. R. No. 121 was taken up and considered at this time by unanimous consent.

H. C. R. No. 121 was adopted by viva voce vote.

### H. C. R. No. 112.

The Chair laid before the Senate:  
By Mr. Lemens:

H. C. R. No. 112, Suspending Joint Rule No. 23 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 345.

The Senate rule requiring resolutions to be referred to a committee was suspended, and H. C. R. No. 112 was taken up and considered at this time by unanimous consent.

H. C. R. No. 112 was adopted by viva voce vote.

### H. C. R. No. 115.

The Chair laid before the Senate:

By Mr. Stinson:

H. C. R. No. 115, Suspending Joint Rules 22, 23 and 24 and all other joint rules of the House and Senate in order that the House may take up and consider until disposed of, H. B. No. 396.

Senator Rawlings asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 115 be taken up and considered at this time.

Unanimous consent was granted.

H. C. R. No. 115 was adopted by the following vote:

Yeas—15.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Small.
Duggan.	Stone.
Hornsby.	Woodruff.
Isbell.	

Nays—6.

DeBerry.	Martin.
Hill.	Poage.
Holbrook.	Sulak.

Present—Not Voting.

Westerfeld.

Absent.

Davis.	Sanderford.
Hopkins.	Shivers.
Moore.	Van Zandt.
Redditt.	

Absent—Excused.

Fellbaum.	Regan.
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### H. C. R. No. 117.

Senator Woodruff moved to suspend the regular order and take up:  
By Mr. Lanning:

H. C. R. No. 117, Suspending Joint Rule No. 23 for the purpose of taking up until the final disposition thereof H. B. No. 454.

The motion failed, not having received the required two-thirds vote as shown by the following roll call: